

The Claim of Right.

And they do claim, demand and insist upon all and sundry the Premises, as their undoubted Rights and Liberties, and that no Declarations, Doings, or Proceedings, to the prejudice of the People, in any of the said Premises, ought in any ways to be drawn hereafter, in Consequence or Example; but that all Forfeitures, Fines, losses of Offices, Imprisonments, Banishments, Pursuits, Persecutions, Tortures, and rigorous Executions be consider'd, and the Parties Lesed be Redressed.

F I N I S.

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The *Irish* Commissioners
REPORT, &c.

REPORT.
The Irish Commissioners

THE
REPORT

Made to the

Honourable House of COMMONS,

Decemb. 15. 1699.

BY THE

Commissioners appointed to Enquire
into the Forfeited Estates

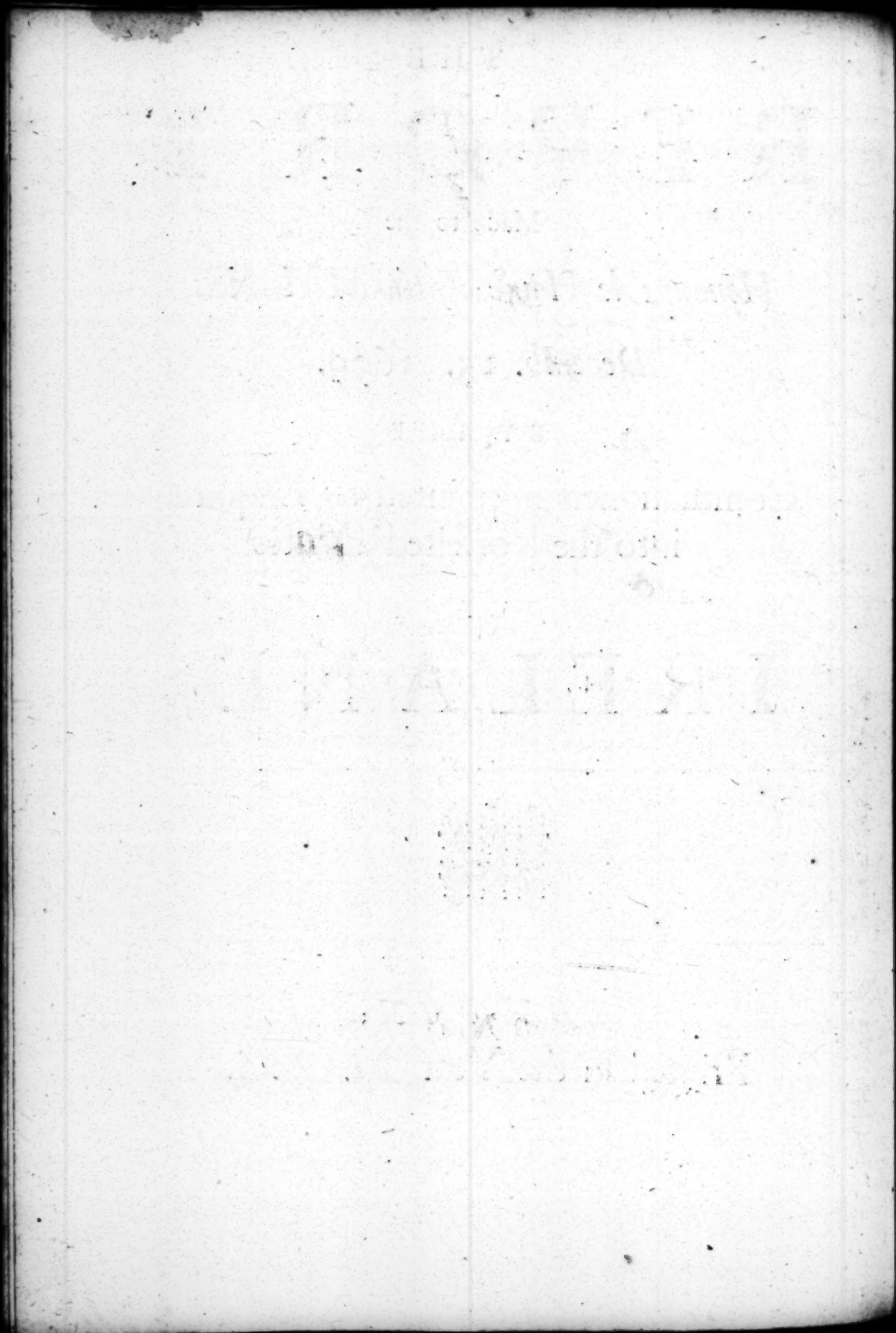
OF

IRELAND.



L O N D O N;

Printed in the Year M.DCC.



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 pretend may have been some hindrance to our En-
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Soon after the Battle of the Boyne, Commissioners
 were appointed to enquire into the Forfeited Estates of
 Ireland.

*The Report made to the Honourable
 House of Commons, by the Com-
 missioners appointed to enquire into
 the Forfeited Estates of Ireland,
 Decemb. 15. 1699.*

need: which hath been

May it please your Honours;

1. **A**ccording to the powers given us by a late Act of
 Parliament, made in the 10th and 11th years of
 his Majesty's Reign, intituled, An Act for grant-
 ing his Majesty the sum of one million four hundred
 eighty four thousand and fifteen pounds one shilling
 eleven pence three farthings, for disbanding the Army,
 providing for the Navy, and for other necessary Occa-
 sions; we have enquired into and taken an account of
 the Forfeited Estates in Ireland, and do humbly lay be-
 fore your Honours this our following Report, as the re-
 sult of our Proceedings.

2. But first we must humbly crave leave to represent
 to your Honours the many difficulties we have met with,
 which we fear may render our Enquiry less satisfactory
 than otherwise it might have been.

3. It is usual for the General Governours of this King-
 dom, when they are removed from their Employments,
 to carry away the Books and Papers relating to their
 pro-

proceedings during their Government: which we apprehend may have been some hindrance to our Enquiry.

4. Soon after the Battel of the *Boyne*, Commissioners of Forfeitures were appointed under the Great Seal of *Ireland*, who substituted Commissioners in the several Counties then in his Majesty's possession; these Sub-Commissioners acted very vigorously, and made returns of great quantities of Goods forfeited, but several of the Books we were not able to get, which was a great disadvantage to our proceedings; those Returns having been made whilst the mischiefs were fresh, and the resentments high between Protestants and Papists, and consequently with less favour than hath since been shewn.

5. Many Commissions for taking Inquisitions have been issued both from the *Chancery* and *Exchequer* that are not sped; others have been imperfectly taken, and worse drawn up; some have never been returned, nor so much as the Records made up by the *Escheator*.

6. Great quantities of Land found in the Inquisitions, have not been put in Charge to his Majesty, nor appear in the Rent Rolls; and many Denominations appear in the Rent Rolls, of which no Inquisitions were taken; and a great many other parcels of Lands are mentioned in the Grants which are neither mentioned in the Inquisitions nor Rent Rolls; and some in the Sub-Commissioners Books, that are found no where else; and there may be many more of which we can trace no footsteps.

7. As we cannot complain to your Honours of any direct disobedience to our Authority, so we must take notice, that we had from few Offices that dispatch which was necessary to the work we had the honour to be employed in: but whether this proceeded from any unwillingness to obey us, the multitude of other business, or the irregular methods of keeping their Books, we do not affirm.

8. Particularly the Books of the Commissioners of the Revenue relating to the Forfeitures, are so ill and confusedly kept, as much delay'd us in our proceedings: but this we do not attribute so much to the Commissioners of the Revenue, as to the shifting this Enquiry from one Commission to another; which has been done five times since the Battel of the *Boyne*: So that no Commissioners (if they were disposed to it) have been able to take any steady view of the Forfeitures, and digest them into Method.

9. By this means, we have been forc'd to examine such vast bundles of Records and Volumes of other Papers, as have taken up much of that time which might have been employ'd in the examination of the values, and enquiring into the mismanagement of the Forfeitures; which appear to us very great: tho by the distance of time, the agreement of the parties concerned, the death of some, the departure of others out of the Kingdom, most of the tracks are worn out; so that we found it very difficult, and in many cases impossible, to come at a true information.

10. Besides, there appeared to us a very great backwardness in the people of this Kingdom to give any information; which, in our humble opinion, does not proceed from any dislike to the business of our Commission, or disobedience to the Authority that sent us, but from the fear of the Grantees and persons in power, whose displeasure in this Kingdom is not easily born: besides, reports seem'd to us to have been industriously spread abroad and generally believed, that our Enquiry would come to nothing, and was only the effect of a sudden Resolution; which hinder'd many persons from making considerable discoveries: but we humbly conceive if such fears were removed, the Forfeitures would appear much greater.

11. Added to all these difficulties, our business itself was so voluminous, and consisted of so many parts, that an exact

exact Scrutiny into all the particulars could not have been made in a much longer time than we were confined to ; but such an account, as under these disadvantages we were able to acquire, we do with all humility lay before your Honours.

12. The Persons outlawed in *England* since the 13th day of *February*, 1688, on account of the late Rebellion here, amount in number to 75, and in *Ireland* to 3921, all which, with their Additions, and Counties in which they were Outlawed, appear in a Book delivered in with this Report, N. 1.

13. The Estates that the said persons, or any of them were possessed of, or interested in, either in Law or Equity, since the 13th day of *February* 1688, that came to our knowledg ; together with the Proprietors names, the number of Acres, the County and Barony in which they lye, the value of them *per annum*, and the total value, appear in a Book delivered in with this Report, N. 2.

14. But the gross number of all Acres belonging to Forfeiting Persons in each County, the yearly and total value (estimating a Life at 6 years purchase, and an Inheritance at 13 years ; which we apprehend to be at this time the value of the Lands of this Kingdom) appear to be as follows, viz.

	Acres profitable.		value per Ann.		value total.	
	l.	s.	l.	s.	l.	s.
In the County of <i>Dublin</i>	134	536	16061	10	208796	18
In the County of <i>Meath</i>	924	52	31546	4	410100	18
In the County of <i>Westmeath</i>	580	83	14633	12	190237	2
In the County of <i>Kildare</i>	448	81	26951	18	351527	6
In the County of <i>Catherlough</i>	126	303	7018	11	95872	2
In the County of <i>Wicklow</i>	181	64	2719	3	35348	19
In the County of <i>Wexford</i>	558	2	7551	10	98169	16
In the Queen's County	276	1	3002	8	65031	13
In the King's County	304	50	6870	18	89321	14
In the County of <i>Kilkenny</i>	301	52	5243	3	68161	5
In the County of <i>Longford</i>	206	7	348	9	4530	8
In the C. of <i>Louth</i> and T. of <i>Down</i>	244	38	6131	11	82310	3
In the County of <i>Cork</i>	244	220	32123	12	417737	2
In the County of <i>Kerry</i>	301	16	3652	17	47489	12
						In.

	acres profitable		value per ann.			value total.		
	a.	r.	l.	s.	d.	l.	s.	d.
In the County of <i>Clare</i> -----	72246		12060	17		156791	1	
In the County of <i>Waterford</i> -----	21343		4190	10		54476	10	
In the County of <i>Limerick</i> -----	14882	3	4728	10	6	61470	10	
In the County of <i>Tipperary</i> -----	31960	3	8888	12		115552	2	6
In the County of <i>Gallway</i> -----	60825		10225	4		83528	19	
In the County of <i>Roscommon</i> -----	28933		5808	15		69767	2	
In the County of <i>Mayo</i> -----	19294		3186	5	6	37598	3	
In the County of <i>Sligo</i> -----	5562	2	998	17	6	12985	7	6
In the County of <i>Antrim</i> -----	10103	3	1944	18	6	25284	6	
In the County of <i>Down</i> -----	9079		1016	6		13012	4	6
In the County of <i>Ardmagh</i> -----	4962		688			7644		
In the County of <i>Cavan</i> -----	3830	1	478	12	6	6222	2	6
In the County of <i>Monaghan</i> -----	3832		558	16		7264	8	
In the County of <i>Fermanagh</i> -----	1945		389			5057		

All these Lands in the several Counties aforesaid, as far as we can reckon by Acres, being added together make 1060792 Acres, worth *per an.* 211623 l. 6 s. 3 d. value total 2685130 l. 5 s. 9 d. (besides the several Denominations in the said several Counties, to which no number of Acres can be added, by reason of the imperfection of the Surveys) which we humbly represent to your Honours as the gross value of all the Lands forfeited in *Ireland*, since the 13th day of *February* 1688.

15. Next we think it our duty to acquaint your Honours, what proportions of these Lands have been restored to the old Proprietors, by virtue of the Articles of *Limerick* and *Gallway*, and by his Majesty's favour.

16. Three Letters, one from her late Majesty Queen *Mary*, of ever blessed Memory, dated the 15th of *March* 1692, to the Right Honourable the Lord *Sdn-y*, Sir *Charles Porter* Knight, and *Thomas* Lord *Cynngs-by*, then Lords Justices, and Chief Governours of this Kingdom; one other Letter from her said late Majesty, dated the 6th day of *May*, 1693, to the said Lord Viscount *Sdn-y*, then Lord Lieutenant, and General Governour of this Kingdom; and to the Privy Council there for the time being; and one other Letter from his Majesty, dated the 24th day of *May*, 1694, to the Right Honourable

B

Henry

Henry Lord C. p. l. Sir Cyril Wick Knight, and William Duncombe Esq; then Lords Justices of this Kingdom; and to the Privy Council there for the time being, were severally sent unto them; empowering them to hear and determine the Claims of all persons pretending to be within the Articles of *Limerick* and *Gallway*: and in pursuance of the said Letters, 491 persons were adjudged within the Articles aforesaid. The names of which persons, with their Additions, and times of their Adjudications, appear in a Book delivered in with this Report, N. 3.

17. Afterwards, a Commission dated the 25th day of February, in the 8th year of his Majesty's Reign, passed under the great Seal of *Ireland*, empowering the Judges of the several Courts here, or any five of them, to hear and determine the Claims aforesaid: And in pursuance of that Commission, 792 persons were adjudged within the Articles aforesaid. The names of which persons, with their Additions, and the times of their Adjudications, appear in a Book delivered in with this Report, N. 4.

18. The Estates that the persons have been restored to by virtue of their Adjudications, contain 233106 Acres of Land, amounting in yearly value to 55763 *l.* 6 *s.* 6 *d.* value total 724923 *l.* 4 *s.* 6 *d.* The particular number of Acres belonging to persons adjudged, the County and Barony in which they lye, with the yearly value, and what the whole Interest is worth, appears in the Book N. 2.

19. And here we presume not to judg, whether the Letters from his Majesty, or the late Queen, to the Lords Justices, did give them any legal authority to summon the Subjects from all parts of the Kingdom, give Oaths, adjudg without Jury, and levy Money under the name of Fees; (we finding no Act of Parliament to warrant the same) which we humbly submit to your great Wisdom.

20. Further, we think it necessary to inform your Honours, that the Fees in the said Courts were so extravagant, that Mr. *Palmer* (who acted as Register in the right of Mr. *Poultney*, and divided the profits with him) demanded of Mr. *Luke Dillon*, for the Fees of his Fathers Adjudication, eighty six pounds; and Mr. *Steel*, Cryer of the Court, fifteen pounds more. Nor could Mr. *Dillon* get out the order to reverse his Fathers Outlawry till he had paid fifty two pounds in ready Money to Mr. *Palmer*, and gave him his Bond for fourteen pounds more; and had paid Mr. *Steel* five pounds, besides ten pounds which he had paid Mr. *Palmer* for Orders; the Cause being continued in the Court near two years. Nor was this a single case, for many more have paid great Sums of Money on the like account, the charge of entring a Claim only before we acted in our Commission being near five pounds, tho by express words in the Articles of *Limerick*, no person ought to pay any Fees, but to writing Clerks.

21. We may add to this, that the proceedings of the Court of Claims are almost universally complained of, and we fear with too much reason. Some persons having been adjudged without posting their Claims, others within a day or two after, before the Kings Council or Witnesses could be ready; which was contrary to the Rules of the Court it self, that required fourteen days between the posting every Claim, and the Adjudication. It was also observable, that if any person would disclaim his Estate, he met with very little difficulty in being adjudged, tho afterward there could be no obstacle in the reversing his Outlawry; and consequently to be restored to his Estate. In general, it seems to us, that there have been great miscarriages in the said Court, and that in many cases the Articles of *Limerick* and *Galloway* have been expounded too beneficially in favour of persons Outlawed, and often on the oath of one witness, who, we humbly conceive, can-

not be convicted of Perjury, either by common or Statute Law. By this means, we apprehend a great many persons have been restored to their Estates, that upon review would be found to belong to his Majesty. To come to a more particular knowledge of which, we sent to the said Mr. Palmer for the Minutes of the Adjudications; but he having taken them in Short-hand only, and never since transcribed them, we could not get such an account, as was fit to lay before your Honours. We shall only take notice of one thing that seems to us very extraordinary, that more persons were adjudged within Articles since the Commencement of our Enquiry, than had been since the making of the said Articles.

22. Next we are to acquaint your Honours what Estates have been restored to the old Proprietors, by Reversal of Outlawries, or his Majesty's Pardon.

23. The Reversals are of two sorts, such as have been in pursuance of Adjudications, all markt in N. 3 and 4, in distinct Columns for that purpose: the Estates restored by Reversals are already computed under the consideration of persons adjudged.

24. The other sort are such as have been reversed by his Majesty's or the late Queen's Letters, or Orders to the Lords Justices; which with all Pardons, and the considerations inducing the same, past since the Defeat at the Boyne, amounting to sixty five, appear in a Book delivered in with this Report, N. 5. The Estates restored to the several Persons pardoned, or that have their Outlawries reversed by his Majesty's favour, contain 74733 Acres, worth per An. 20066 l. 8 s. 3 d. value total 260863 l. 7 s. 3 d. The particulars thereof, what Estate belongs to each person, in what County and Barony it lies, what is the yearly and total value, appear in the Book N. 2.

25. And here we think it proper to take notice to your Honours, that as well by the general report of the

the Country; as by several Observations of our own, it appears probable to us, that many of the persons aforesaid, have obtained his Majesty's Favour, by gratifications to such persons as have abused his Majesty's Royal Compassion. But when we touch'd on this subject, we found difficulties too great to be overcome, most of these matters being transacted in private, and with Persons out of this Kingdom; however, we shall lay before your Honours some instances, where it appears to us, that Money has been given to restore persons forfeiting to their Estates.

26. The Right Honourable the Lord *B-l-w*, released a Statute Staple of 1000 *l.* principal Money, and seven or eight hundred pounds Interest to the Lord *R-by* (which was due from Sir *William W-ntw-rth*, Father to the present Lord *R-by*, to the Lord *D-l-ke*, Father to the present Lord *B-l-w*) in consideration that he would use his Interest with his Majesty to procure his Pardon, which he did accordingly, and his Pardon soon after passed; he also released to the Lord *R-mny*, all the profits of his Estate, which his Lordship had enjoyed near three years, amounting to about as many thousand pounds, in consideration his Lordship would not give him any molestation in passing his Pardon.

27. *John Kerdiff*, of *Kerdiffstown* in the County of *Dublin* Gent. gave to Mrs. *Margaret Uniack* 200 *l.* or thereabouts, to make use of her Interest with the Lord *R-mny*, to obtain his Majesty's Letter, to have his Outlawry reversed; which was accordingly done, tho the particular case of this Man deserved Compassion.

28. Sir *John Morris* paid to Mr. *Richard Uniack* five hundred pounds, whereof three hundred pounds were paid to Mrs. *Uniack*, for her Interest in the Lord *R-mny* to procure his Pardon, which was accordingly done,

29. *Henry*

29. *Henry Morris Esq;* gave one hundred pounds to *Mrs. Margaret Uniack* to obtain his Majesty's pardon, which was accordingly done.

30. *John Hussey of Leistip, Esq;* upon his being informed by *Mr. Bray* and *Mr. Rojcoe*, Agents to the Lord *Athl-ne*, that he would not get his Outlawry reversed, without giving him a general Release of all demands to the Lord *Athl-ne*, he did it, whereby a Mortgage of three hundred pounds, which he had upon the Lord *L-mr-ck's* Estate, then in grant to the Lord *Athl-ne*, was released; who appeared not to us to have known of the said Mortgage, or to have had any benefit thereby.

31. *Edmund Roch, Gent.* gave *Mr. Richard Darling*, Agent to the Lord *R-mny*, five hundred pounds, for his Interest in procuring his pardon, which by the means of the Lord *R-mny* was obtained (as we believe.) But the said *Roch* was outlawed on the Statute of Foreign Treasons, tho never out of the Kingdom.

32. *John Bourke Esq;* commonly called Lord *B-ph-n*, agreed to pay 7500 *l.* to *Mr. Andrew Card*, for the use of the Lord *Alb-m-rle*, in consideration he would procure his Majesty's Letter to have him restored to his Estate and Blood; three hundred pounds of the said Money was to be paid when he was restored to his Estate, and the residue some time after. In pursuance of the said Agreement, a Letter was sent to the Lords Justices, to be communicated to the Commissioners of the Court of Claims, in favour of the Lord *B-ph-n*, in order to have him adjudged within the Articles of *Gallway*; but nothing being done thereon, it was agreed that a Bill should be transmitted into *England*, in order to pass into a Law in *Ireland*, to restore the Lord *B-ph-n* to his Estate and Blood; the consideration suggested in the Bill was to educate his Children in the Protestant Religion, and let his Estate to Protestants

stants. It was further provided in the said Bill, that nine thousand pounds should be raised upon the said Estate for payment of Debts, and a certain part of the said Estate appropriated for the maintenance and provision of his Children; but in reality 7500 l. of the said Money was to be paid to the Earl of *Alb-m-rle*, and the remainder (as we believe) to the persons concerned in negotiating the said Agreement. This Bill was brought into the House of Commons of *Ireland*, but the Agreement taking wind, and the House resenting that their Authority should be made use of to support such a clandestine bargain, and finding several allegations in the said Bill false, they rejected it. Afterwards a new agreement was made, viz. that there should be a Grant to the Lord *R-s* in trust, that the Money to be advanced for procuring the said Grant, should be first raised out of the Estate, and next, that the Profits should be applied to the payment of Debts, and after to the use of the Family of *Clanrickard*. In pursuance of the Agreements aforesaid, a Letter was procured from his Majesty, and three thousand pounds paid to *Thomas Brodrick Esq;* for the benefit of the Lord *Alb-m-rle*.

33. Having now laid before your Honours an account of all the Estates belonging to persons outlawed since the 13th day of *February* 1688. and also what Estates have been since restored by Articles, and what by his Majesty's favour, we will proceed to acquaint your Honours what Grants have been made, and also what Custodiams are yet in being of any of the said Estates, and to whom.

34. There have past since the Battle of the *Boyne* under the Great Seal of *Ireland*, 76 Grants and Custodiams; a Book whereof, with the dates of the Letters Patents, and the Considerations, we have delivered in with the Report N. 6. Some of the most considerable Grants we here particularly lay before
your

your Honours, the number of Acres and Considerations.

35. To the Right Honourable the Lord *R-mny* 3 Grants now in being, containing 49517 Acres, in consideration of Services done.

36. To the Right Honourable the Earl of *Alb-m-rlc* 2 Grants now in being, containing 108633 Acres in Possession and Reversion, in consideration of services done.

37. To *William B-nt-nck* Esq; commonly called Lord *W--dft-ck*, 135820 Acres of Land; no particular consideration mentioned in the Grant.

38. To the Right Honourable the Earl of *Atbl-ne* 2 Grants, containing 26480 Acres, in consideration of services done in the reduction of *Ireland*.

39. To the Right Honourable the Earl of *G-llm-y* one Grant, containing 36148 Acres, in consideration of many good and faithful services by him performed.

40. To the Right Honourable the Earl of *R-cbf-rt* 2 Grants, containing 39871 Acres, in consideration of Services done.

41. To the Marquis of *P-z-r* 2 Grants, containing 30512 Acres, in consideration of services done.

42. To the Right Honourable the Lord *C-n-ngsby* 5966 Acres, with several Chiefrys, Tythes, and many Houses in the City of *Dublin*, with 1000 l. Mortgage, in consideration of Services done.

43. To the Right Honourable the Lord *M-ntj-y* 11070 Acres for 21 years, in consideration of his Services done in the War of *Ireland*, the losses he suffered in his Estate, the Imprisonment of his Father in the *Bastile*, and his being kill'd in the Battle of *Steynkirk*.

44. To the Honourable *Thomas Keightly* Esq; 2 Grants, containing 12381 Acres for 99 years, as a portion for his Daughter Mrs. *Katherine Keightly*, who was a dependant on her late Majesty Q. *Mary* of ever blessed memory, and

and in consideration of a pension of 400 l. per ann. and his losses in the War.

45. To Colonel *Gustavus Hamilton* 5382 Acres, whereof 1900 are no part of the Forfeitures; in consideration of his great and early service in the War of *Ireland*, his wading through the *Shannon*, and storming the Town of *Athlone*, at the head of the *English* Granadeers.

46. To Dr. *John Lesly* 16077 Acres, in consideration of his early service in the War of *Ireland*, his great expence in raising and arming considerable numbers of men, and fighting at the head of them in several Engagements.

47. To *Thomas Pendergast* Esq; now Sir *Thomas Pendergast* Baronet, 2 Grants, containing 7082 Acres, upon the most valuable consideration of his discovering a most barbarous and bloody Conspiracy to Assassinate the King's Most Excellent Majesty, to destroy the Liberties of *England*, and in consequence the Protestant Religion throughout *Europe*.

48. To Mr. *John Baker* 1647 Acres, in consideration of the great and memorable services his Father Colonel *Henry Baker* performed in the defence of the City of *Londonderry*.

49. To *Thomas Corry* Esq; 2 Grants, one of a Mortgage of 2000 l. in Fee of several Lands in the County of *Wicklow*, due to Sir *Edward Scott* from the Earl of *T-r-ne*; the other of 1725 Acres. The considerations mentioned in the Letters Patents, are, his House being burnt, and his having furnished the Garison of *Enniskilling* with provisions and materials to the value of 3000 l. at his own expence. But enquiring into the merits of this Gentleman, it appears to us, that he gave no assistance to the Garison of *Enniskilling*; that in the Town of *Enniskilling* he publickly declared, he hop'd to see all

those hang'd that took up Arms for the Prince of Orange; and his House was burnt by the said Garrison.

50. The rest of the Grants, with the former, appear in the Book N. 6. and are comprehended in the general values.

51. It is to be observed, that all the Acres mentioned in this Report, are meant Plantation Acres, which bear a proportion to *English* as 441 is to 264.

52. It is further to be observed, that the Estates above-mentioned do not yield so much to the Grantees as they are here valued at: for as most of them have abused his Majesty in the real value of their Estates, so their Agents have imposed on them, and have either sold or let the greatest part of them at great under value.

53. We are further to take notice, that most of the Lands in the several Grants aforesaid, were granted under the *Exchequer* Seal in Custodiam for small numbers of years, or during pleasure, either to the present Grantees, or other persons; by which means very little profit of them hath accrued to his Majesty. The greatest part of the Custodiams are now expired, but those few yet in being, appear in a Book at the lower end of the Grants, N. 6.

54. In the next place we humbly acquaint your Honours with the several Incumbrances that affect the Estates forfeited and not restored; and here we shall take notice of such only as are found by Inquisition, or have been allowed by his Majesty's Court of *Exchequer*, most of which last, have been in pursuance of her late Majesty's Letter, dated _____ to the Lords Justices of *Ireland*, which required, that all Protestants should try the validity of their Incumbrances in the most speedy manner, without subjecting them to dilatory or chargeable methods.

55. All

55. All the Statutes, Judgments, Mortgages, or other Debts, which appear to us as aforesaid to affect the Estates not restored, amount to 161936 l. 15 s. 6 d. the particulars whereof appear in a Book delivered in with this Report, N. 7. The reality of the said incumbrances, which of them have been made upon a valuable consideration, and what have been since discharged by Receipt of Rents, or otherwise, we have had neither time nor opportunity duly to examine, but we humbly conceive there are many deductions to be made upon the following considerations.

56. In all Judgments, and Statutes, we have set down the Penal Sums, not being able to know what Interest is due upon the several particulars.

57. It appears probable to us, that oftentimes the Judgment and Mortgage is for the same Debt.

58. It is probable, that many of the said Judgments are only for performance of Covenants, and the defeazances remain in the hands of the Covenanters.

59. In many cases, Protestants and Papists have been equally bound, and the whole Debt is demanded on the Lands of the forfeited persons, tho there may be other security.

60. It does appear that many Deeds and Copies of Judgments were produced to the Juries in several Enquiries, and found without any proof of the execution of such Deeds, or the considerations therein expressed.

61. It is probable that in many cases the Statutes and Judgments have been satisfied, and do not appear discharged upon Record.

62. Many incumbrances have been bought up by the Grantees, their Agents, and Under-purchasers, and oftentimes at small values, and are kept on foot to cover the Estates, tho probably they might have

over-paid themselves by the Preception of Profits.

63. Many persons have been put in possession of the Lands incumbered, by virtue of her late Majesty's Letter, and have received all or a great part of their Debts.

64. It is probable, that several of the Incumbrances have been taken in trust for forfeiting persons, and many others were entred into covenantally.

65. In conclusion it appears to us, that all the contrivances possible were made use of by some of the Grantees, or their Agents, to make the incumbrances appear great, tho we believe if they were duly enquired into, they would be found considerable, but that a great part of them might have been paid off by the preception of Profits before this time: however we humbly conceive that at present they will be much more than discharged, by the personal and other Forfeitures not before valued, which we now humbly lay before your Honours.

66. As we informed your Honours before, soon after the Battel of the *Boyne*, Commissioners under the Great Seal of *Ireland* were appointed, who had power to seize and dispose of the forfeited Goods and Chattels to his Majesty's use; these appointed Sub-Commissioners in the several Counties then in his Majesty's Possession, who made returns of great quantities of Goods and Chattels, which they valued at 135552 *l.* but at so moderate computations, that every Horse was valued at twenty shillings, every Cow or Ox at fifteen shillings, Sheep at half a Crown a piece, and other things proportionably. So that it appears very probable to us, that if the said goods had been disposed of to the best advantage, they might have yielded between two and three hundred thousand pounds; but before that could be done, upon representation of the then
Com-

Commissioners of the Revenue, the Power of disposing by the said Commissioners of Forfeitures, was superseded by a Letter from his Majesty within nine days after the granting their Commission, and placed in the Commissioners of the Revenue : By this means so much time was lost before their Books and Goods seiz'd by the Sub-Commissioners could be transferred to the Officers of the Revenue, that the greatest part of them were either embezeled by the Sub-Commissioners of Forfeitures, or the Commissioners of the Revenue ; or else plundered by the Army at their return into Winter Quarters : so that it does not appear to us, that there was ever accounted for to his Majesty above the value of 44000 *l*. Besides these, there were great quantities of other Goods in the Inquisitions, which we do not find ever came to his Majesties use, and many more were seized by private Men. Indeed the Plunder at that time was so general, that some Men in considerable Employments were not free from it, which seems to us a very great reason why this matter has not been more narrowly search't into ; particularly the Lord *C-nngsby* seized a great many Black Cattle, to the number of Three Hundred or thereabouts, besides Horses that were left in the Park after the Battle of the *Boyne*, and which we do not find ever were accounted for to his Majesty ; he also seized all the Plate and Goods in the House of *Sir Michael Creagh* (Lord Mayor of the City of *Dublin* for the year 1689) which are generally thought to amount to a great value, but this last is said to be by Grant from his Majesty ; there were several Rich Goods and other Household-stuff delivered by the Commissioners of the Revenue, to the then Lords Justices, the Lord *S-du-y* and Lord *C-nngsby*, which we do not find were ever returned accounted for to his Majesty, or left in the Castle at their departure from the Government.

67. Farther, there were several other quantities delivered by order of the Commissioners to *Sir Charles Porter*,

ter, Major-General *Kirk*, and others, which have not been returned; and a great deal more by the General Officers of the Army, which 'tis said his Majesty has since discharged.

68. If we may believe the general reports of the Country, very many persons have made their advantages of these Forfeitures; but the time was so distant, the Proofs so difficult, and withal the hopes of getting any part of them back again so remote, that we rather chose to prosecute more material enquiries, and therefore can give your Honours no farther information concerning them.

69. But since the values of the before mentioned Goods and Chattels are so uncertain, we make no estimate of them, but will proceed to take notice of some debts due by Judgment, and Statute, and a few Mortgages due to forfeiting Persons not restored; which amount to 120013 *l.* 13 *s.* 10 *d.* as appears in a Book delivered in with this Report N.8.

70. And here it may be observed, that these Debts are liable to all the objections made against the Incumbrances before mentioned; only with this difference, that as the Incumbrances may be presumed to be in a great measure satisfied by the preception of Profits, the Creditors being many of them in Possession by her late Majesties Letter in favour of Protestant Creditors, or at least that the full Interest has been paid out of the Rents; So in the other, the full Penalty is due, no Interest appearing to be paid since the Forfeiture, and therefore we humbly conceive may be taken as so much in Discount against Incumbrances.

71. And here we crave leave further to observe, that almost all the said Judgments were found in the Court of Exchequer only; and from a mistake of our Orders, no return has been made from either of the Courts of Law; by which means we believe many more Debts appearing upon Record to be due to Forfeiting Persons not restored may be omitted.

72. There

72. There are yet to be computed 297 Houses in the City of *Dublin*, 36 Houses in the City of *Cork*, with 226 Houses Situate in the several Cities and Towns of this Kingdom, together with 61 Mills, 28 Fairs and Markets, 72 Rectories and Tythes, Chief-rents amounting to 283 *l. per annum*, and six Ferries and Fisheries, lying within the several Counties and Baronies of this Kingdom; the Forfeitures of Persons not restored: which we value in gross at 50000 *l.* and place here among the personal Forfeitures, towards the discharge of Incumbrances; and if we add the Debts due to Forfeiting Persons (as we humbly conceive) we shall fully discharge the Incumbrances aforesaid; and if there were room to apprehend any deficiency, yet the Chattels real of persons comprehended within the Articles of *Limerick*, which by the construction of the said Articles they were not to be restored to, would fully (as we apprehend) make up any defect that might remain after the allowances aforesaid.

73. It appeared to us by our observations in the Country, that a great part of the Lands call'd unprofitable in the Survey (except those in *Kerry*, which we account as nothing) are now profitable Acres, and many of them as good Lands as any of the Kingdom; and tho they are not comprehended within our valuations, yet are in themselves considerable.

74. We have computed the forfeited Estates according to the present value, and the current price of Coin here, were they now to be set, without any regard to beneficial Leases made before the Forfeitures; and because we found it impossible either to come to a reasonable knowledge of the number of them, and which are real and fraudulently set up, we think it most proper to make a general allowance for the same, by way of discount on other particulars; and if all the unprofitable
Acres

Acres be cast in, it may near answer the difference of value the now beneficial Leases do make from the present intrinsic value exclusive of them.

75. And lest this allowance should be thought insufficient, we humbly conceive the Woods of the Kingdom now standing on the Forfeited Estates not restored, may be worth Sixty thousand pounds: which we believe (if thrown in) will answer the difference, provided some speedy care be taken to prevent farther waste.

76. But lest our allowances on the particulars aforesaid should not be esteemed sufficient, we throw in all denominations of Lands, to which we could annex no number of Acres, not receiving any light either by the Surveys, Commissioners Books, Inquisitions, or our enquiries in the Country: and because they are quantities of Land that vastly differ from one another, both in value and number of Acres, we make no certain estimate of them, tho it seems very probable to us, that they amount to Seventy or Eighty Thousand Acres; which we humbly conceive will much more than answer all the deficiencies before mentioned.

77. And here we shall take notice of the general waste committed on the Forfeited Woods of this Kingdom, particularly on the Woods of *Sir Valentine Brown* in the County of *Kerry*, where to the value of twenty Thousand Pounds has been cut down and destroyed: and the waste on the Woods of the late Earl of *Clancarty's* Estate, now in Grant to the Lord *Widdelch*, is computed at Twenty Seven Thousand Pounds: And indeed so hasty have several of the Grantees, or their Agents, been in the disposition of the Forfeited Woods, that vast numbers of Trees have been cut and sold for not above six pence a piece: and the like waste is still continuing in many parts of this Kingdom, and particularly at this instant, the Right Honourable Sir *John Hely* Lord Chief Justice of the Court of Common Pleas here, and *Peter Goodwyn*, joint Purchasers of the
Lands

Lands of *Feltrim* within six miles of *Dublin*, of the Right Honourable the Lord *C-maghy*, are now cutting down the very ornamental rows and Groves about the mansion House: great waste has been made, and yet is committing on the Woods of *Oshaghnessy* in the County of *Gallway*, purchased by *Toby Butler* Esquire for about 2500 *l.* which is valued to above 12000 *l.* and when we appointed some persons to view and value the said Woods, the said *Toby Butler* did prosecute them by Indictment for so doing.

78. Besides all the forfeitures before mentioned, there are great numbers of persons guilty of the late Rebellion, and within no Articles, and never prosecuted; and many have appeared on the Exigent, which to this day are continued under Bail; and some of them were this last Summer Assizes tryed and Acquitted: and indeed it does appear to us, that the Freeholders of this Kingdom through length of time, and by contracting new Friendship with the *Irish*, or by inter purchasing with one another, but chiefly through a general dislike of the disposition of the Forfeitures, are scarce willing to find any persons guilty of the late Rebellion, even upon full Evidences.

79. By reason of this delay of prosecution, many good Estates (by the death of Parties) have been lost to his Majesty.

80. And notwithstanding all this, it seems probable by the multitude of discovenies offer'd us, that if right methods were taken, and proper encouragement given, a great Sum of Money might be raised out of the forfeitures that lie concealed.

81. There has been so great a neglect in the prosecution of his Majesties Title, that no Inquisition went into *Connaught* till the year 1695, which gave the forfeiting persons time and leisure to set up what incumbrances they pleased: and when they were issued, the findings were almost as the Counsel of the forfeiting person thought fit.

And indeed by the great disproportion of Protestants to Papists, which is computed at not one to fifty, and so very few Protestant Freeholders being within most Counties of that Province, so little Justice is to be had there, that the Province it self seems scarcely reduced to his Majesties Obedience: a late instance might be given, at the last Assizes for the County of *Gallway*, where near forty persons were brought on their Tryals for the late Rebellion, and the majority of the Jury that had them in Charge were Officers in the late King *James's* Army, and adjudged within Articles, and after that 'twere needless to say they were all acquitted: Tho by accident 'twas discovered, that one *Kirevan*, one of the persons then on Tryal, was in actual Rebellion, and an Officer under the Foreman of the Jury, who was sworn to that Fact; which was a surprizing difficulty to the Jury, who not well knowing how to acquit him upon so direct a proof, resolved that the Dice should determine, and so the Jury among themselves threw the Dice, and the Lot falling upon one Mr. *Pendergast*, he did absent himself accordingly, and so no Verdict was given on the said Mr. *Kirevan*, who was thereupon bound over to appear the next Assizes at *Gallway* to take his Tryal.

82. The House of *Clanrickard* have a vast Territory within that Province, with few or no Protestant Tenants thereon, the greatest part whereof by the Attainder of the Lord *B-ph-n* (who is only Tenant for Life) is now vested in his Majesty: and we humbly Conceive if proper methods were now taken by setting the said Estate to Protestant Tenants by Leases for Lives renewable for ever, 'twould greatly increase the Freeholders, and thereby secure the Property, and advance the Protestant Interest of that Province.

83. And

83. And in the next place we do Humbly Acquaint your Honours that several of the Grantees have raised great sums of Money by sale of their Lands and Estates, in the whole amounting to 68155 *l.* 3 *s.* 1 *d.* as does hereafter more particularly appear, (*viz.*) The Right Honourable the Earl of *Atbl-ne* has sold so much of his Grant, as amounts to the Sum of 17684 *l.* 12 *s.* And here we think we ought to take notice that the Lord *Atbl-ne's* Grants are confirmed by Act of Parliament of *Ireland*. The Right Honourable the Earl of *R-m-y* has sold so much of his Grants, as amounts to 30147 *l.* 11 *s.* 1 *d.* of which 5323 *l.* 14 *s.* 7 *d.* remains unpaid in the Purchasers Hands. The Right Honourable the Earl of *Alb-m-rie* has received in *England* 13000 *l.* Sterling, by sale of part of his Grant. The Right Honourable the Lord *C-m-n-gsby* hath sold to the value of 2200 *l.* And *Thomas Keightly* Esquire has sold and receiv'd to the value of 5123 *l.* 10 *s.* —amounting in the whole to 68155 *l.* 3 *s.* 1 *d.*

84. We are also to acquaint your Honours, that there have been several Proclamations and other Publick Assurances given, that a fourth part should be granted to such as should discover any concealed Forfeitures: to some of the Discoverers Grants have been made, and they appear in the Book of Grants N. 6. and others affirm they have not yet received any Satisfaction, the whole (We believe) are under the value of two thousand Pounds *per annum*.

85. And here we may take notice, that the Forfeitures in general, notwithstanding they appear to be so considerable, have been rather a charge than profit to his Majesty; which might seem very extraordinary, if we did not acquaint your Honours that many obscure Men that had little or nothing since the reduction of *Ireland*, are now reputed Masters of considerable Estates, and some of them very great ones: nor does there appear any visible cause of their acquiring such suddain

Riches, but by filling into these Forfeitures; indeed the whole management has been so intricate, as if it was design'd to make the knowledg of it a Mystery, which has proved sufficiently advantageous to these Men, tho very much to the detriment of his Majesty, who by this means has been deceived in the value of his Grants, and in many cases hath given much more than he intended, as we conceive.

86. There is nothing seems to us to have contributed more to it, than the setting the forfeited Lands by Cant in the City of *Dublin*, and not in the several Counties in the Kingdom: For by that means very few persons would come to Town at a great Charge and neglect of their Affairs, when they were sure to be out-bid by the Agents to Great Men, who aimed only to get into possession, and had Interest enough afterwards to have all or most of their Rents remitted. Upon this consideration Mr. Attourney General, and *William Connelly Esquire* canted Lands in the County of *Kilkenny* worth about 200 l. per annum, to more than 20000 l. per annum: So that private Men who had no Interest, found it in vain to contend; besides, they were over-awed by the Authority often of those that bid against them, which weighed much in this Country.

87. By these methods, when others were driven off the Stage, they took the Lands at their own rates, oftentimes (as we conceive) agreeing not to bid against one another; particularly *Thomas Brodrick Esq;* and the said Mr. *Connelly* (who took vast quantities of Lands and in a great measure governed the Cants, few Persons daring to bid against them) acted in Partnership in all they took in the Year 1695, and ever since; and let it afterwards to under-tenants at greater Rents, which is more observable in Mr. *Brodrick*, who was a Privy-Counsellor, and appointed by the Lord *C. J.* to inspect the Cants, having been informed they were managed much to his Majesties disadvantage.

88. Nor cou'd it be expected they should be better regulated, when many of the immediate Officers of the Revenue took parcels of these Lands, and some were taken in trust for the very Commissioners themselves, and particularly the Lands of *Kerdiffstown* were let to *Henry Fernley*, who was a nominal Person in trust for *Mr. Culliford*, at 31 l. 16 s. *per annum*, tho actually canted to 84 l. Several other forfeited Lands have been taken by *Mr. Culliford*, and great quantities of Goods seized by him, to his Majesty's use, which he afterwards converted to his own.

89. Besides the great abuses in the management of their Cants, we humbly represent to your Honours one instance of a considerable Estate that was set without any Cant at all, by direction of the Lords Justices, for at least one thousand pounds *per ann.* less than it was then worth; and for a term of sixty one years, tho by a Letter from his Majesty, dated the day of *March* 1698, they were commanded to Let it for a term not exceeding twenty one Years, and at a time too when one Year and half was unexpired in another Tenant. This is a Lease of the Estate of *Sir Valentine Browne* and *Nicholas Browne Esq;* commonly call'd Lord *Kinnure*, within the Counties of *Kerry* and *Limerick*, made to *John Blannenhasset* and *George Rogers Esquires*, then Members of Parliament of this Kingdom.

90. Having already laid before your Honours the most material parts of our Inquiry, we now crave leave to make a short abstract of our valuations, before we conclude our Report.

The whole forfeited Estates since the 13th day of *February* 1688, we value at 2685130 l. 5 s. 9 d.

The

The Estates restor'd by Articles we	l.	s.	d.
value at —————	724923	—4—	6
The Estates restored by favour, we			
value at —————	260863	—7—	3
The Debts affecting the Estates			
forfeited and found by Inquisition, or allow'd by order of	161936	—15—	6
the <i>Exchequer</i> , we compute at--			

Against which we ballance the Estates due to forfeiting Persons not restored, amounting to 120013 *l.* 13 *s.* as also all Houses, Tythes, Mills, Fairs, Markets, Chief-rents, and Ferries worth about 50000 *l.*

Against the beneficial Leases, we ballance all the Leases call'd unprofitable, and also all the Woods yet standing upon the forfeited Estates, which we compute may be worth about 60000 *l.* and the Chattles real of Persons adjudged within Articles, never brought to any account.

But lest our Allowances should not be thought sufficient, we throw in all denominations of Lands that have no number of Acres annexed to them, which we cannot believe will amount to less than seventy or eighty thousand Acres, and consequently if valued in proportion with other Lands, will come to at least 14000 *l.*

The Estates yet undiscovered seem to us very considerable, but we can make no probable valuation of them.

the Sums received by the Grantees from the Sale of their Estates amount to 68155 *l.* 3 *s.* 1 *d.*

We have taken no notice of any Debts due to Persons restored, or of any incumbrances affecting their Estates.

And after the several Allowances before-mentioned, there yet remains 1699343 *l.* 14 *s.* which we humbly lay before your Honours as the gross of all the Estates forfeited since the 13th of February 1688. and not restored.

We

We shall now conclude our Report by laying before your Honours one other Grant of a considerable value, which we are apprehensive does not fall within the Letter of our Enquiry; but since the benefit of some forfeited Leases or Holdings are therein granted, we chose rather to lay the whole Grant before your Honours, than be thought defective in any part of our duty, or what might be expected from us.

A Grant under the Great Seal of Ireland dated the 30th of May 1695, passed to Mrs. *Elizabeth Vll-rs*, now Countess of *Orkney*, of all the Private Estate of the late King *James* (except some small part in grant to the Earl of *Athl-ne*) containing 95649 Acres, worth 25995 *l.* 13 *s.* *per annum*; value total 337943 *l.* 9 *s.* the Particulars whereof, (*viz.*) the number of Acres in each County and Barony, the value *per annum*, and value total, appear in a Book delivered in with this Report, N. 9. There is payable out of this Estate, two thousand Pounds *per annum* to the Lady *Susanna Bll-sis* for her Life; and also one thousand pounds *per annum* to Mrs. *Godfrey* for her Life, and almost all the old Leases determine in May 1701, and then the Estate will answer the values above-mentioned. All which with the utmost deference we humbly submit to your Honours.

Dublin.

Signed,

Fra. Annesley,
John Trenchard,
Ja. Hamilton,
Hen. Langford.

F I N I S.

We shall now conclude our Report by laying before
 your Honours one other Grant of a considerable value,
 which we are apprehensive does not fall within the lim-
 it of our Enquiry; but since the benefit of some fortif-
 ed Estates or Holdings are therein granted, we shall rather
 lay the whole Grant before your Honours, than be
 thought defective in any part of our duty, or what might
 be expected from us.

A Grant under the Great Seal of Ireland dated the
 20th of May 1695, passed to Mrs Elizabeth W. now
 Countess of O. of all the Private Estate of the late
 King James (except some small part in grant to the Earl
 of Albemarle) containing 9440 Acres, worth 25954
 13s. per annum; value total 25954 13s. the Private
 part whereof (viz.) the number of Acres in each County
 and Borough, the value per annum, and value total, ap-
 pear in a Book delivered in with this Report, &c. There
 is payable out of this Estate, two thousand Pounds per
 annum to the Lady Susan B. for her life; and also
 one thousand pounds per annum to Mrs. G. for her
 life; and almost all the old leases determine in May 1701,
 and then the Estate will answer the value above men-
 tioned. All which with the utmost diligence we humbly ob-
 mit to your Honours.

Dublin.

Signed

Wm. Annesley,
 John Trevellick,
 Jas. Hamilton,
 Eben. Langford.

FINIS.

To *Francis Annesly, John Trembhard, James Hamilton,*
and *Henry Langford, Esquires, Commissioners with us*
in the Execution of so much of a late Act of Parlia-
ment, made in *England*, as relates to the Enquiring
into, and taking an Account of the forfeited Estates of
Ireland.

The Memorial of *Henry Earl of Drigh-da, Sir Fran-*
cis Brewster, and Sir Richard Leving Knights.

Gentlemen,

WE having jointly acted with you in the Execution
of the Power to us given by a late Act of Par-
liament made in *England*, unto this present day, and ha-
ving Signed and Sealed three Books of Outlawries N. 1.
three Books of Forfeitures N. 2. and also three Books of
Adjudications at the Council Board, N. 3. and three
Books of Adjudications at the Court of Claims, N. 4.
and three Books of Pardons and Reversals N. 5. and three
Books of Grants N. 6. and three Books of Incumbrances
N. 7. and three Books of Debts due to forfeiting Per-
sons not restored N. 8. which we conceive contain the
Substance of the Account required from us by the said
Act; and our Secretary having drawn up the Report,
by the immediate Directions and Privy of some of you,
We have been present at the first and second Reading
thereof, and have delivered our Sentiments concerning
the several Paragraphs thereof, which in all amount to the
number of ninety, or thereabouts; after having done our
utmost Endeavors to satisfy You and our Selves, and to
come to a perfect Agreement with you for the publick
Good, on the 28th day of this instant *November*; three
Parts or Books of the said Report were prepared, read,
and compared, and contain amongst other things, the
Paragraph concerning the private Estate of the late

E

K. James,

K. James, which we have before affirmed in our Opinions, was not any forfeited Estate, within the meaning of the said Act; and the said Paragraph was much altered from what it was on the 24th day of *October* last, or at any time after, till the 23^d day of this instant *November*, at which time it appear'd that mention is therein made of forfeited Leases, which are Granted, together with the said Estate, tho neither the continuances of such Leases, nor the value of them above the reserved Rent, nor other certainty of the said Leases does appear to us. We have declared, and do declare, that whenever the aforesaid Matters shall appear, we will join in the Reporting of whatever is a Forfeiture, within the meaning of the said Act: Whereupon you were told by *Henry* Earl of *Dr-gb-da*, that we could not give an Account to the last Paragraph containing the said private Estate, nor to Paragraphs 8, 10, 25, 32, 66, 78, 79.

But that we would agree to all the said Report, except the abovementioned Paragraphs.

Which you, *Gentlemen*, opposing, the said Earl did enter on one of the Books, or parts of the Report, addressed to the Honourable the *House of Commons*, a writing to the Effect following.

We agree to all the above Report, except the 8, 10, 25, 32, 66, 78, 79 Paragraphs, to which we cannot Assent, for reasons which we will be ready to lay before your Honours when we shall be thereunto required; which being written, we Signed and Sealed the same, and pray you to join with us therein, or to subscribe your Names above the said writing, thereby testifying your Assent to all the Paragraphs in the said Report.

But you, *Gentlemen*, insisting upon your Majority, of four to three, have not only refused to sign the said Book addressed to the *House of Commons*, but have taken the other Books, containing the said Report, and addressed to his Majesty and the House of Peers from us, and will not suffer us to join with you in such manner, as will (as we

we conceive) both answer the ends of the said Act, and satisfy our Minds in matters which we are to Certify upon our Oaths.

And when you propounded to us to make a separate Report, which we thought no way convenient for the Service; you yet were not willing to let us have Copies, either of that we had agreed to, or dissented from.

We therefore pray you, as well in consideration of the Publick Trust reposed in us all, as of preserving a good Correspondence amongst us, that you will not be any hindrance to our Writing and Subscribing, and Sealing on the other Books and Parts of the Report addressed to his Majesty, and the Lords Spiritual and Temporal, in such manner as we have done on the Book address'd to the Honourable the House of Commons; we leaving you sufficient space above such Writing of ours, to Subscribe and Seal the whole Report; which if it be not done already, we will Consent to make such Alterations as to make that feasible.

And we do insist, and in virtue of the aforesaid Act of Parliament, pray and caution you, that you do not obliterate, cancel, or otherwise deface what we have (as we believe) solemnly Signed, Sealed, and delivered, as aforesaid, pursuant to the said Act; but that the same, without Alteration, be laid before the Honourable House of Commons.

And we do likewise make instance to you, that we may be ordered, and not hindered from having Copies of the Paragraphs we have agreed to, but more especially, and speedily, those to which we cannot agree, to the end we may not be hindred by you from laying before his Majesty, and the two Houses of Parliament, the reasons why we cannot give our Assent to the said 8 Paragraphs.

We also put you in mind of the several Instances we have made to you, of comparing at our Board the original Depositions taken before us, with the Entry thereof in our Book, and signing such Book by us, after due com-

paring; which we think extremely necessary to be done, because the original Depositions appear too much blotted and interlined, and are thereby capable of great Alterations, which may tend to the discredit of our Proceedings.

And lastly, we pray you, and insist, that this our Memorial be kept ready to be produced amongst the Papers and Proceedings of our Commission. Given and delivered unto you under our Hands and Seals this 29th day of November, 1699.

A Copy of a Letter to the Lord Chancell-r of England; And the like Letter being sent to the Speaker of the House of Commons, the House would not hear it read, as not Signed by a Quorum of the Commissioners sent.

Our very good Lord,

WE having been appointed Commissioners, with four others, for executing so much of the late Act of Parliament made in England, as relates to the forfeited Estates of Ireland; and having acted jointly with them therein, to the Expiration of the Time limited by that Act, and from that time attended the putting in order, and perfecting the matters of our Enquiry, unto this present day; and having with them Signed and Sealed the several Books containing the Names of the forfeiting Persons, the particulars and Values of the forfeited Estates, Real and Personal; the Counties and Baronies wherein they lie, the several Grants and Dispositions of the Forfeitures, and the Considerations thereof; the Reversals of Outlawries and Pardons, of forfeiting Persons, and their Considerations, and how and by whom procured; we conceive that we have thereby, in all essential matters, answered the ends of the said Act, and completed the Trust reposed in us.

But

But since it was thought convenient, that a Report of our Proceedings should be also made, for the better Explanation of the Books which contain the Substance, and to render them more useful and intelligible; We gave a general Consent that the Secretary should draw it up, but gave then no particular Directions our selves concerning the same.

The draught of which being produced, we excepted against several of the many Paragraphs contained in it; some for not being within the Power given us by the Act, and others as not warranted by Depositions or other Proof; and after many Debates with the other Commissioners, We desiring to comply with them as much as possible, agreed to eighty two Paragraphs of the Report, containing more than all that related to the Books, and excepted only against about eight Paragraphs, tho we were not fully satisfied with several of those which we had pass'd in the manner they are expressed.

And when in these few matters our Reasons could not prevail, but that they overruled us by a pretence of a Majority, of four against three; and having laboured to influence us by private Letters, Instructions, and Directions, which they affirm'd they had received from several Members of the Honourable *House of Commons*, we did not insist further on having those eight Paragraphs left out of the Report.

But when the Report was Engrossed, and came to be Signed on Tuesday the 28th instant, as we were content the other four should Sign and Seal the same, as they thought fit; so we desired to Sign and Seal the same, as an Approbation of all contained therein, except those Paragraphs; and accordingly on that part thereof addressed to the *House of Commons*, one of us did write words to the Effect following, We agree to the above Report, except the 8th, 10th, 25th, 32d, 66th, 78th, 79th, Paragraphs, and the Paragraph wherein the private Estate of the late Duke of York is included, to which we cannot

not agree for Reasons which we will be ready to lay before your Honours, when you are pleased to require them from us. And afterwards we Signed and Sealed the same, praying the other Commissioners to Sign and Seal as they thought fit, and offering to Sign and Seal the other parts of the Report addressed to his Majesty, and the House of Peers.

But they then instantly pretending to make an Order against what we did, refused either to Sign with us, or in a space left for them above our Writing, and hastily took away the other two parts of the Report, which we had offered to perfect, and also took from us that part which we had already perfected.

We then Adjourn'd, by Consent, till four in the Afternoon this day, and understanding that they had pretended to make an Order for Cancelling the Report which we had Signed and Sealed; and seeing at the time of our meeting, that most of the Papers belonging to our Commission were taken away; We with all speed delivered to them a Memorial, under our Hands and Seals, offering thereby to Sign and Seal the other two parts of the Report in the manner we had done the former, and to leave in them a greater space for the other Commissioners to Sign and Seal above us, and if desired, to amend even that which was done before, praying them not to cancel what we had perfected.

We also put them in mind that we had often made Request to them, to compare the original Depositions which were taken before us, and were much blotted and interlined, and capable of great Alterations, with the Entries thereof in our Books, and that we might all of us Sign and Seal the said Entries; and we also prayed them to give us Copies of those Paragraphs to which we had agreed, and more especially those to which we dissented, that we might be the better able to represent to the most Honourable House of Peers, the Reasons of our disagreement to these Paragraphs. But finding no Success,
and

and the other Commissioners owning to us, that they had, after our Adjournment the last Night, and after we were gone away, cut off that Leaf of the Report on which we had written our Consent, and put our Hands and Seals; and they insisting, that unless we would declare our Consent to all the Paragraphs, we should declare it to none, and refusing absolutely to let us Sign the said Report in any manner that might express our disagreement to any part of it: We think our selves under a necessity of applying to your Lordship to lay this matter before the most Honourable House of Peers, that we may have an opportunity to shew that we have joined in the execution of all the matters required of us by the said Act; and likewise the Reasons why, being upon our Oaths, we could not agree to those Paragraphs we expected to. We are

Your Lordships

Most faithful humble Servants,

DUBLIN,
Nov. 29.
1699.

Dr-gh-da,
F. Brewster,
Ri. Leving.

House of Commons, *January* 16. 1699.

Irish Commissioners attending.

Sir Richard Leving first called in by himself.

Mr. Speaker. **S**IR *Richard Leving*, The House having being informed of something that you have said to a worthy Member of this House (which I
am

am confined to examine you to) I may name the Person, because you have said it, as the House is informed, to more than one: The Member's name is *Vernon*, and 'tis in relation to some Discourse that passed between you and one or more of the Commissioners for the *Irish* Forfeitures concerning the private Estate being put into the Report. The House requires you to give an Account of what you informed that worthy Member.

Sir Richard Leving. Mr. Speaker, I shall very readily obey the Commands of the House; but before that, I would inform you (if it be the pleasure of the House) of all that then passed.

Mr. Speaker. Pray take your own Method, give an account of what you know.

Sir Richard Leving. There was a Debate arose between the Commissioners concerning the reporting the private Estate: Upon that Debate I was of opinion, That that Estate ought not to have been reported, because not within our power by the Act: Upon this a Debate happened, and several Reasons were offered why this might be understood to be a Forfeiture; one Reason that was given was, that the Estate was the late King *James's* Estate, and so it was forfeited. To which answer was made, That if *K. James* had forfeited it, yet it was not within the Act, because the words of the Act confined our Enquiry to Forfeitures since the 13th of *February*, 1688. When that was said, there was another of the Commissioners that did say, I was always of opinion that this was a Forfeiture within the Act, because tho King *James* had not forfeited before, yet he coming into *Ireland* on *March 15*. 1688. he committed Treason against King *William*, and Queen *Mary*, and forfeited that Estate. It was then objected, that this private Estate of the late King was parcel of the Possessions of the Crown of *England*, and was vested in him as parcel of the Crown of *England*, and the Crown being vested in *K. William* and Queen *Mary*

Mary by an Act of Parliament made in this Kingdom, which settled the Crown in *K. William* and *Q. Mary*; the Crown and all the Possessions were vested in them *Feb. 13. 1688.* so that that Estate being actually in his Majesty then, and tho otherwise it might have been conceived, that *K. James* had forfeited afterwards, tho not then attainted, it could not be conceived how he could forfeit that Estate, because it was before in the King and Queen. And the same Gentleman that urged, that upon the *15th of March* King *James* landed in *Ireland* and committed Treason, pleased to say, I don't dislike the *30th of January*, nor the Deed that was done that Day; I like both the Day and the Deed. I confess I was surprized at it, and said, if those be your Reasons, and this is your Agreement, I declare I will never join in it.

One of the Commissioners at this time was absent, but the next day that Gentleman was brought into the Room with the other Commissioners, and then this was debated again, and upon that Debate much of that matter was spoke over again (not that relating to the *30th of January*) but then it was again urged that that Estate might be said to be forfeited, and the same Objections were repeated, and it seemed to be assented to by the other Commissioners, that it was not strictly a Forfeiture, and some of them said it might not be within the Commission; then it was asked, Why then will you report it? And one of the Gentlemen did answer that it was a villanous Grant, and therefore fit to be exposed; I did not write down the words at that time, because I had then no intention of making any complaint, or publishing these matters. But since they have cut off our Hands and Seals from the Report, it made us think it necessary to do what we have done. And it being said by a Commissioner not here, but in *Ireland*, If we take it not to be within our Commission, why will you do it? why will you report it? for it will fly in the King's Face: To which another answered, Why the Commission flies in

the King's Face; if you won't fly in his Face, you can't execute this Commission, or you must not execute it, one of them two.

Upon this it was further urged, That this matter should be reported; and one of the Commissioners said, Tho it was not clearly within the Act, yet he had received several Letters from several Members of this House to report this matter, and he said it was as good (or contained in the Letter, that it was as good) do nothing as not to report it. There was upon this an expression by one of the Commissioners, that a great Person was concerned [That was my Lady Orkney] and the application of that was, that if he was so tender of that Person, we should not join with them in any thing else. For, Sir, the Debate was grown to this pass, whether if we did not join in this thing, we should join in any thing else. This I think is the substance of what I told that worthy Member: if I am asked as to any other Person, I shall give you a true Account.

Mr. Speaker. I am commanded to ask you who was by upon this discourse between you and the rest of the Commissioners concerning the differences in opinion, and how many, and particularly at that time that one of the Commissioners did say that he thought that since it was not in your Commission to report that Giant, it would be a flying in the King's Face, &c.

Sir R. Levins. It was the day that the Commissioner that was sick first came to us, I believe about the 24th of October last: There was present at that time the Lord Drighda, Sir Francis Blenstar, Mr. Munnely, Mr. Treachard, Mr. Hamilton, Mr. Langford, the Secretary, and my self, all were in the room when this was said.

Mr. Speaker. Who was it said it was a flying in the King's Face, and who made answer that the Commission did fly in the King's Face?

Sir R.

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Sir R. *Leving*. It was my Lord *Dr-gb-da* said the first part, and Mr. *Hamilton* was the Person that said the other.

Mr. *Speaker*. Who said that concerning the 30th of January, that it was a good Day and a good Deed?

Sir R. *Leving*. That was the day before the other Discourse was; there was all but Mr. *Trenchard*, who was sick and came next day.

Mr. *Speaker*. Who said it, and upon what occasion?

Sir R. *Leving*. It was not a particular direction to any person as I remember; but it was spoke by way of Answer: it was told Mr. *Langford* when he came in, the Objection that was made against this being returned as a Forfeiture, &c. And then he said, I was always of opinion that this was a Forfeiture, and that Kings might forfeit as well as others; and he thereupon said, he did not dislike the 30th of January.

Mr. *Speaker*. You mentioned that some of the Commissioners said they received Letters from Members of Parliament to insert this Grant into the Report: Please to repeat who had them, and from whom?

Sir R. *Leving*. The first time I heard mention of any such Letter was the first night; After we rose we went to Mr. *Trenchard's* Chamber, who was sick, to consult; for this Debate occasioned some concern in our minds, and we did apprehend some breach amongst us, and went to his Chamber to see if we could come to an accommodation, and offered Mr. *Trenchard* and the rest of the Gentlemen present, That if they would take the whole Report without the private Estate, and sign it, we could join with them, and if they would put in an Article of the private Estate, they might sign it by themselves; for we thought if we could not agree to it, we would be no hindrance to them if they thought fit to do it; and then Mr. *Trenchard* said, he had Letters from several Members to report this private Estate, and that it would signify nothing if we did not report it.

Mr. Speaker. Did he say that from himself, or that it was in any Letter?

Sir R. Leving. I do not say that positively, he shew'd me no Letter.

Mr. Speaker. Did he name any Member?

Sir R. Leving. I do not remember that he named any Member.

Mr. Speaker. Who was present at that time in Mr. *Trenchard's* Chamber?

Sir R. Leving. Most of those Gentlemen I have named were there the next day.

Mr. Speaker. Who was by?

Sir R. Leving. My *Ld Dr-gb-da* nor *Sir F. Brewster* were there, but the rest were there, and the Secretary I believe was there. The next day when we met again, there was present, as I inform'd you, all the Commissioners, and then Mr. *Trenchard* amongst other Discourse did express himself in the said manner, and Mr. *Annesly* said that he had received Letters from Members of the House.

Mr. Speaker. But Mr. *Annesly*, nor Mr. *Trenchard* did not tell you the Contents of those Letters, nor from whom they received them.

Sir R. Leving. They said they had Letters to report this Estate, but they did not as I remember name any body, tho I did hear from my *Ld Dr-gb-da* and *Sir Francis Brewster*, that they had named Persons, but I did not myself take particular notice of any Body.

Mr. Speaker. Did they produce any Letter, or shew you any?

Sir R. Leving. Not then.

Mr. Speaker. When did you see any?

Sir R. Leving. I did see a Letter the next morning, and that Letter was shew'd to me by Mr. *Annesly*, but I did not think that Letter came up to the point they spake over night.

Mr. *Speaker*. Can you remember the Contents of it?

Sir *R. Leving*. I had rather refer my self to the Letter, I believe Mr. *Annesly* has it.

Mr. *Speaker*. Who wrote it?

Sir *R. Leving*. Must I name him?

Mr. *Speaker*. Yes, the House expects it of you.

Sir *R. Leving*. His name is Mr. *Arthur Moore*: And I did then take notice of it to Mr. *Annesly*, that this Letter did not amount to what they told us the night before.

Mr. *Speaker*. You say you said to Mr. *Annesly*, you told us of a Letter you received from some Members to report this private Estate, but this Letter does not come up to what you told us. Upon which Mr. *Annesly* answered as for himself, If we do not report that private Estate, we had as good do nothing.

Sir *R. Leving*. I don't say so: Upon recollection, I do now believe that those Gentlemen Mr. *Trenchard* and Mr. *Annesly* did say that there was contained in the Letter that Expression, that if they did not put that Estate into the Report, they had as good do nothing; but when I once saw that Letter, I thought they had imposed upon us.

Then Sir *R. Leving* withdrew, and all the rest of the Commissioners that were then in town, with their Secretary, were ordered to be brought in.

And accordingly Sir *Francis Brewster*, Mr. *Annesly*, Mr. *Trenchard*, Mr. *Langford*, and Mr. *Hooper* their Secretary were brought in.

Mr. *Speaker*. Gentlemen, I am commanded to enquire of you, and if you please you may speak severally to it: The House has been informed of some discourses among you Gentlemen of this Commission, when you differed in opinion about returning of King *James's* private Estate; the first time Mr. *Trenchard* was not there, and the next day that Mr. *Trenchard* was brought there: but I think the Discourse the House would enquire

quire after was the 2d day when Mr. *Trinchard* was there, which was to this Effect, That some Argument being given why this Estate was a Forfeiture, and other Arguments being given it was not, one of the Commissioners, as this House hath been informed, should say, if it be not within our Commission, 'tis a flying in the King's face. Upon which another Commissioner made answer, Why the Commission it self flies in the King's face; And for what are we sent hither but to fly in the Kings face, or to that effect?

Members. No, no.

Mr. Speaker. I beg Pardon if I mistake, the words were to this effect: The Commission flies in the King's face, and if you will not fly in his face, you must not, or you cannot execute this Commission. You are all said to be present when these words were spoken; So you will please to give account severally to the House what passed upon this occasion, and what you remember of it. *Sir Francis Brewster*, if you please.

Sir Francis Brewster. I beg leave to say, I am sorry for any differences between us, and that we were as hearty as any in the execution of this Commission. But for the matter of the words now spoke of, there was some Discourse concerning the reporting that private Estate: *Sir R. Levings* said, it was not within our Enquiry. To which some Reply was made, why if it was not within our Commission yet it might be fit to be reported. My *Ld Dr. ghabda* made answer, If it be not within our Commission, then it will be to fly in the King's face to report it. Another then said, the Commission flies in the King's face, and we can't act in this Commission, unless we fly in his face; I think that was said by Mr. *Hamilton*. Upon which some other Arguments went on to enforce the passing of it. At last some of the Commissioners said they had a Letter from several Members of the House of Commons, that gave them reason to believe they should report this Estate. I think it was said by Mr. *Annesly*. Upon which *Sir R. Levings* made answer, I do not think

think these Gentlemen have changed their minds, that was, that Forfeitures might be made by Kings: upon which it was answered, you are mistaken, a great many of your Friends are now come over to us; and they urged it still more, and at last they said they had had several Letters about it. I must confess I made answer, I know not whether you have had any Letter, I never had any: But I must needs say, if I had no other reason I should not sign this Report, for I think I ought not to be directed by any private Member of the House of Commons, and that no Letter should prevail with me to do it, I am loth to name any one.

Mr. Speaker. The House expects it.

Sir F. Brewster. I think they named Mr. Harcourt.

Mr. Speaker. Who named him?

Sir F. Brewster. Mr. Annesly. He did not say in his Letter particularly, but did say something to that purpose, that if we did not report the private Estate, we had as good do nothing; and he said it was so in the Letter.

Mr. Speaker. Was you at Mr. Trenchard's Chamber the last night that he was not at the Commission, the night before he was brought thither?

Sir F. Brewster. No, Sir, I was not.

Mr. Speaker. Mr. Annesly, If you please to give an Account of what you know of this matter, you hear to what the House hath a mind to be informed; 'tis as to the Discourse that happened amongst you the Commissioners the 2 days you differed in opinion concerning the inserting of this Grant into your Report, and particularly as to the words spoken by Mr. Hamilton, or what else you heard then.

Mr. Annesly. Truly Mr. Speaker, I never expected to have been called to an account for any thing that was said among the Commissioners in Ireland upon their debates, or that any Gentleman in Commission with us would have acted such a part here; otherwise I should have been

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been more observant thereof; but the particular Expressions which some of us are charged with by the Evidence now given, are of so extraordinary a nature, that I could not easily have forgotten them; flying in the face of the King is so great a Reflection and so foolish an Expression, that I think I could not have passed it by without the Censure it deserved. Sir, I do affirm to you upon my Reputation, my Credit, and all that is dear to me, that I never heard the least Reflection upon the King by any of the Commissioners, either in their Debates or otherwise in execution of their Authority.

When I had the Honour to be appointed by you one of your Commission, I naturally reflected upon the part I was to act in it, the many enemies I must in likelihood create upon a faithful Discharge of my Duty, as well amongst Men in power, the Grantees, as the Purchasers, and others claiming under them; of which I had some knowledg, having been formerly in *Ireland*. However, I was resolved upon a very short notice not only to subject my own private Concerns to Disappointments, but to dispose of other Mens business, with which in the way of my profession I was intrusted, to their best advantage in my absence.

In discharge whereof I did act (and I hope it will appear I did so) with all imaginable Integrity. And it will be my hard fortune, if after such my Endeavours I should fall under your Displeasure.

As to what is alledged with respect to Mr. *Harcourt*, I do not remember that I ever mentioned his Name upon any Debate at our board, whereby to influence any Man in his Judgment: nor indeed upon any other account, except in private Conversation, by drinking his Health, and by expressing my self with that gratitude which became me towards one whom I had received particular Obligations from and deserved well from me.

I never had any Letter from Mr. *Harcourt* that took the least notice of the private Estate, nor indeed that related

lated to the execution of our Commission, except in one Letter he said I might easily imagine with what pleasure he heard of the success of our Labours, and that he was glad to find by the account I gave him, that the Forfeitures were likely to answer the End for which we were sent over, and that was the only Letter I received from him during my stay in *Ireland*; hearing abroad of such a Letter being mentioned in the House, I lookt all the Letters I received from any of the Gentlemen of this House during my stay in *Ireland*; but I own I am very unwilling to produce the Letters of any person who favoured me with his correspondence, and do hope I shall not be obliged to it.

Mr. *Speaker*. For that you will have the further pleasure of the House; but do you say you never heard of those words of flying in the King's face, or that your Commission did fly in the King's Face?

Mr. *Annesly*. From the time we first began to execute our Commission, till our Power was determined, I never was absent one hour, I think I may say one moment from business, and I assure you I never heard those words, nor any thing like them, fall from any one of the Commissioners. As to the Debate among the Commissioners about returning the private Estate, some hot words did pass, and I will take notice to you (if you please) of some of them.

The Gentleman on my left hand did give very abusive Language to one of the other Commissioners.

Mr. *Speaker*. To whom?

Mr. *Annesly*. To Mr. *Trenchard*. Another of the Commissioners said, he would battle it with us at the Bar of the House of Commons.

Mr. *Speaker*. Who was that?

Mr. *Annesly*. That was my Lord *Dr-gh-da*. Says Sir *Francis Brewster*, I have as good Friends as you, meaning Mr. *Trenchard*, and we shall be as well heard there as you. Mr. *Trenchard* answered, I don't fear what you can do,

do, if you won't be an Evidence against me : the ill Language Sir *Francis* gave forced that Expression from him ; the Resentments were high, and the rest of the Commissioners then present endeavoured to pacify and make them Friends ; I own I then little suspected that Sir *Francis*, that took the Expression so ill, would have made good Mr. *Trenchard's* words at this Bar ; if I had, I should have taken more notice of what passed. There might be some other particulars that Sir *F. Brewster* has charged us with, which I may have omitted answering ; if you please Sir to remind me of them, I will give them the best Answer I can.

Mr. Speaker. Mr. *Trenchard*, if you please to give the House an Account of what you know of this matter.

Mr. Trenchard. I was present at the Debate about the private Estate, which was managed with great warmth, and much said on both sides ; but I do not remember one word which this Gentleman speaks of that was directly so said, I do own there were some words that might give umbrage to this Accusation with those that were resolved to misunderstand them. The occasion was this ; My *Ld. Dr. gh. da.* as I remember, or Sir *Richard Lewing* said it would be flying in the King's Face to report this Grant : Upon which one of the Commissioners replied ; my Lord, We have heard too much of this Argument already, and 'tis time to have done with it ; we were not sent here to flatter, and if the enquiring into the mismanagement of the Forfeitures be a flying in the King's Face, then our whole Commission is a flying in his Face. 'Tis not dishonouring but vindicating his Majesty, to shew he has been abused by ill Men ; and I doubt not but he will desert them when he has discovered it, as the best and wisest Princes in all Ages have done. More than this, I do affirm upon the Reputation of a Gentleman, and the word of an honest Man, was not said whilst I was at the Board.

Mr. Speaker. Who said the words you have repeated ?

Mr. Trenchard. 'T was I, Sir.

Mr. Speaker.

Mr. Speaker. You don't remember that *Mr. Hamilton* said any thing as to the flying in the King's Face?

Mr. Trenchard. I do affirm that *Mr. Hamilton* to the best of my memory (and I think I could not mistake it) did not say any words relating to that matter, more than that since we had enquired into the private Estate, and it was known in both *England* and *Ireland*, we should be thought bribed and corrupt if we did not report it : but I am very sure he said no words dishonourable of his Majesty; and if he had, I would have reſented it at the time, as I ſuppoſe theſe Gentle men would have done, and call'd upon others to have taken notice of it.

Mr. Speaker. What words did you hear ſaid in your Chamber?

Mr. Trenchard. A great part of the time I was in that Kingdom, I was confined to my Chamber being ſick, which I impute in a great meaſure to the fatigue of our Commiſſion, during which time I had the favour to be viſited ſometimes with ten or a dozen in an Evening, ſometimes twice the number of the People of the beſt Faſhion in that Country, and amongſt the reſt, my own Brethren often obliged me with their Company; without doubt in this time many ſubjects were diſcourſed of, but the particulars of any one diſcourſe I do not remember. I never treaſure up what is ſaid in private Converſation, and if I did, I ſcorn to tell it.

Mr. Speaker. *Mr. Langford*, you hear what the Gentlemen have given an account of, 'tis of what paſſed between you about putting the private Estate into the Report, and whether upon my *Ld Dr-gb-da's* ſaying it would be a flying in the King's face, *Mr. Hamilton* answered, Our Commiſſion flies in the King's face?

Mr. Langford. I was preſent when this debate happened about the private Estate, and it was with a great deal of heat. It was objected by my *Ld Dr-gb-da*, that it would be a flying in the King's face to report the private Estate, and was not in our Commiſſion.

It was answered by Mr. *Trenchard*, we had that too often mentioned, to put us by the Execution of this Commission; that we did not think the discovering Abuses, a flying in the King's Face; but that on the contrary, we should do Service to his Majesty to lay the matter before him, that he might see how the Grants were disposed of, and how he was deceived in them; and he thought it was also necessary that both this House and the Kingdom should know it.

Mr. *Speaker*. What did Mr. *Hamilton* say?

Mr. *Langford*. I did not hear Mr. *Hamilton* speak one word relating to the King, or this Point.

Mr. *Speaker*. Do you know of any Letters from Members of this House?

Mr. *Langford*. No, Sir, I had not the Honour to be acquainted with many Members; I had no Letter my self, nor did I see any.

Mr. *Speaker*. You are accused about words of your own.

Members. Do not ask him to that.

Mr. *Speaker*. Mr. *Hooper*, You hear to what purpose you are called in?

Mr. *Hooper*. Yes, I do, the whole matter seems strange to me, I have not been absent from the Board, except when I was sick at *Limerick*, one hour during the whole Execution of this Commission: nor did I hear one word spoken reflecting upon his Majesty, unless the insinuation, that doing our Duty would be flying in the King's Face, which I think was a great reflection upon him; and I think Mr. *Trenchard* has very well repeated his own words. I am sure in substance they are the same. I am confident there was no Letter produced whilst I was at the Board, from any Member: and I believe by what Conversation I had with the four Commissioners, they never had any but what was fit to be produced; and for the substance of what Mr. *Annesly* and Mr. *Trenchard* have said, I know it to be true, I never heard Mr. *Hamilton* speak but with great Honour of the King, and I do positively assert, to the best of my Memory, he never said any such thing, as is alledged against him, at the Board. I am confident I was present at all the Debates about the private Estate, and do remember three dissenting Commissioners did immediately declare themselves against the inserting it in the Report; three others that are present did as readily declare for it; so that Mr. *Hamilton* being in a manner solely left to determine this matter, complained that it was a great Hardship upon him; for, says he, my Lord *Orkney* is my Relation and my

my Friend, and besides I am a Tenant to the private Estate, and it is very severe that the decision of this matter should lie upon me. He added, he should be very well pleased if the Objection had been made sooner, and perhaps it might have had more weight with him; and truly, Mr. *Speaker*, it did not appear that there was one of the Commissioners for above five Months, but seemed to be peremptory for the Reporting it, and accordingly Sir *Richard Loving*, and Sir *Francis Brewster*, joined in the Examination of many Witnesses, to the value of it at *Limerick*, and other places, till about five days before the Power of the Commission ceased, when I moved the Board that I might have some Direction about that Estate; and they made an Order that I should immediately prepare the Report, and put this in it. And Mr. *Hamilton* gave this Reason when he joined with the Commissioners, We have made so great a noise about this Estate, by examining so many People to the Value, and sending for the Rent Rolls of it, that it is now the publick Discourse that it will be Reported; and I know the World must needs say that we are Bribed and Corrupted if we do it not; if it was possible, I should be glad to be excused; but I will rather lose my Friend, I will rather lose my little Estate than be thought guilty of Bribery and Corruption, and so gave his Consent to the Reporting of it; and for the words relating to flying in the King's Face, I affirm they are false.

Sir *F. Brewster*. I desire to speak a few words: You were pleased to ask me to give an Account of what passed about the words, flying in the King's Face, and I find the House expects I should give an Account of the whole that passed then; and I beg leave to say farther, that when the Debate was about the private Estate, and those words were said, about flying in the King's Face, which my *Ld Dr-gh-da*, and others will take their Oaths of, and I believe Mr. *Hamilton* will not deny; at the same time this was said by Mr. *Trenchard*, I hear you talk of flying in the King's Face, I hope 'tis not flying in his Face; but this I must tell you, 'tis a villanous Grant and ought to be exposed; upon his speaking so, words arose, and that Gentleman gave me ill Language, but my Language was not so bad, but he was forced to beg my Pardon at the Board, and I did not his; there he stands, let him deny it if he can.

Mr. *Trenchard*. Sir, it is true, I did ask his Pardon, and the Occasion was this, as Mr. *Annesly* has acquainted you, I was provoked by his opprobrious Language to reply, I feared him in no Capacity but as an Evidence, which he took very heinously, he

he repeated the word Evidence; he said 'twas below a Gentleman, below a Man of Honour, that such a one ought to be shunn'd by all civil Conversation, that I had better have stuck a Dagger in his Heart, than have called him an Evidence; which now I think, *Mr. Speaker*, he won't resent so highly. This put the Board in great disorder, and one of the Commissioners whispered to me, (I think it was the absent Member, but I am sure all agreed in it) you know he is a very simple old Fellow; and tho he gave the Affront, you are in the wrong that you are capable of being Angry with him. Truly, Sir, I was conscious to my self that I was much to blame, to suffer my self to be provoked by him; and therefore that the Debate might be interrupted no longer, I ask'd his Pardon. As to the other part I am charged with, that I called the Grant of the private Estate a villanous Grant, I directly deny it. 'Twas possible I might say 'twas an extravagant Grant, an unreasonable Grant, an unconscionable Grant, that the King was imposed upon and deceived in this Grant, to give that for 5000 *l. per Annum*, which is worth between five and six and twenty thousand. These are words that amount to it, and might fall from me, but that I used the word villanous I positively deny; 'tis a word I don't use in my ordinary Conversation, a word that never comes out of the mouth of a Gentleman, and is false.

Mr. Speaker. *Mr. Annesly*, 'Tis understood that you received a Letter from a worthy Member of this House *Mr. Moore*, and I think you told us that you had that Letter, and all other Letters that you had received from any Members; I know not whether the House will order the rest, but that worthy Member desires that his Letter may be produced if you have it.

Mr. Annesly. *Mr. Moore* has desired it, has he?

Mr. Harcourt. I desire mine too.

Mr. Speaker. *Mr. Harcourt* would have his too.

Mr. Annesly. It is with great Regret that I bring the Letters of Gentlemen here, especially those I received from any of the Members of this House, who did me the honour to correspond with me at that time; tho I think there is nothing written in them that any Man need decline owning. And therefore, I think it will be more for their Service to shew them, lest they may be suspected for what they don't deserve: If this House obliges me to lay them all before them, I must submit.

Members. No, no.

Mr. Speaker. But that Gentleman desires you to produce his. And *Mr. Harcourt* also desires his.

Mr.

Mr. Annesly. I have but four in my Hand, one from Mr. Moore, one from Mr. Harcourt, the rest are from Mr. Sloane.

Mr. Sloane. I desire he will produce mine too.

Mr. Speaker. I think you named but three, Mr. Sloane desires his too.

Mr. Annesly. There are two from Mr. Sloane, one from Mr. Harcourt, and the other from Mr. Moore.

Which Letters Mr. Annesly delivered in to the Clerk.

Mr. Annesly. I think it my Duty to say something for Mr. Hamilton who is absent, and that is to assure you that I never heard any words fall from him, that were unbecoming a Gentleman fit to be intrusted by you in this Commission; and as for that which is said of Mr. Trenchard, 'tis false as to my hearing of it; I was present at all the Debates, and I do not remember the least thing that ever came from him, reflecting upon the King or his Grants, in the whole course of our Conversation, otherwise than as he has told you himself.

January 15.

A Motion being made, that the four Commissioners for *Irish* Forfeitures, who signed the Report presented to this House, have acquitted themselves in the Execution of that Commission with Understanding and Integrity; and a Debate arising thereupon,

Resolved,

That the Debate be adjourn'd till to morrow 12 a Clock.

Ordered,

That all the Commissioners for *Irish* Forfeitures who are in Town, and their Secretary, do attend the House to morrow at 12 a Clock.

January 16.

The House resumed the Debate of yesterday, and Sir Richard Leving was called in and examined, and then withdrew.

Then Sir Francis Brewster, Mr. Annesly, Mr. Trenchard, Mr. Langford, and Mr. Hooper, were called in and examined, and then withdrew.

There having been divers groundless and scandalous Aspersions, cast upon Francis Annesly, John Trenchard, James Hamilton, and Henry Langford, Esquires, four of the Commissioners for the *Irish* Forfeitures;

Resolved,

Resolved, That the said four Commissioners have acquitted themselves in the Execution of that Commission, with Understanding, Courage, and Integrity.

Resolved,

That Sir *Richard Leving*, one other of the said Commissioners, has been the Author of the said groundless and scandalous Reports, upon the four Commissioners before mention'd.

Resolved, That the said Sir *Richard Leving* be committed Prisoner to the Tower of London, for the said Offence.

And he was committed accordingly.

F I N I S.

Jus Regium:

O R,

The KING'S Right to grant Forfeitures, and other Revenues of the Crown, fully set forth and trac'd from the beginning.

His Majesty vindicated as to his Promise concerning his disposal of the Forfeited Estates.

The manifold Hardships of the Resumption,
and the little Advantage we shall reap by it,
Plainly demonstrated.

Lord John Somers

*Nil tam proprium est Imperii quam legibus vivere.
Major hereditas venit unicuique nostrum a jure, & legibus, quam a parentibus. Cicero.*

L O N D O N,

Printed in the Year M. DCCL.